

**UNITED STATE DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----)
ARCH INSURANCE COMPANY,)

Plaintiff,)

v.)

JOHN D. AGOGLIA,)

Defendants.)
----- x

08 CIV 5252 (602)

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**STIPULATED ORDER FOR AN EXTENSION OF TIME FOR
DEFENDANT ERIC G. LIPOFF TO FILE AN ANSWER TO
PLAINTIFF'S FIRST AMENDED COMPLAINT**

WHEREAS, the "Specified Defendants" and Plaintiff Arch Insurance Company ("Arch") jointly filed the Stipulated Order for an Extension of Time for Specified Defendants to Answer Plaintiff's First Amended Complaint for Declaratory Judgment, attached hereto as Exhibit A, and

WHEREAS, Arch has agreed to extend the same courtesy to defendant Eric G. Lipoff ("Lipoff"), including a further extension as set forth below,

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by
and between the undersigned, who have been duly authorized by Arch and Lipoff, to enter into this Stipulation, as follows:

1. Lipoff's time to file an Answer to the First Amended Complaint is extended to and including August 4, 2008; and
2. Lipoff will not take any action before August 4, 2008 to seek payment of defense costs from Arch, whether by injunction or otherwise.

SO STIPULATED:

Dated: July 29, 2008	<p>NEIL A. GOTEINER FARELLA BRAUN & MARTEL LLP</p> <p><i>/s/ Neil A. Goteiner Neil Goteiner by [Signature]</i> Neil A. Goteiner 235 Montgomery Street San Francisco, CA 94104 Telephone: (415) 954-4485 Facsimile: (415) 954-4480</p> <p><i>Attorneys for Defendants Eric G. Lipoff</i></p>
Dated: July <u>30</u> , 2008	<p>MARC E. RINDNER WILEY REIN LLP</p> <p><i>Marc Rindner /ctd</i> Marc E. Rindner (MR 9042) 1776 K Street, N.W. Washington, D.C. 20006 Telephone: 202 719-7000</p> <p><i>Attorneys for Plaintiff Arch Insurance Company</i></p>

SO ORDERED, this 30th day of July, 2008

By: [Signature]
United States District Court Judge

EXHIBIT A

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

ARCH INSURANCE COMPANY

Plaintiff,

v.

JOHN D. AGOLIA, et al.

Defendants.

No. 08-CIV-5252 (GEL)

**STIPULATED ORDER FOR AN EXTENSION OF TIME FOR
SPECIFIED DEFENDANTS TO FILE AN ANSWER TO
PLAINTIFF'S FIRST AMENDED COMPLAINT**

Plaintiff Arch Insurance Company ("Arch") and Defendants John D. Agolia, Leo Breitman, Nathan Gantcher, Tone Grant, David V. Harkins, Scott L. Jaeckel, Dennis A. Klejna, Thomas H. Lee, Peter McCarthy, Joseph Murphy, Frank Mutterer, Richard N. Outridge, Ronald O'Kelley, Scott A. Schoen, William M. Sexton, Gerald Sherer and Philip Silverman (collectively, the "Specified Defendants") jointly file this Stipulated Order for an Extension of Time for Specified Defendants to Answer Plaintiff's First Amended Complaint for Declaratory Judgment.

WHEREAS, on February 22, 2008, Arch filed a First Amended Complaint for Declaratory Judgment ("FAC") in the action captioned *Arch Insurance Company v. Agolia, et al.*, Index No. 08/600029 (Supreme Court, New York County, New York), which named as defendants, among others, the Specified Defendants and Eric G. Lipoff ("Lipoff");

WHEREAS, on April 28, 2008, the Specified Defendants responded to the FAC by filing a motion to dismiss or stay Arch's action (the "State Court Motion to Dismiss")

pursuant to Rules 2201 and 3211(a)(4) of the New York Civil Practice Law and Rules in favor of a separate action in this Court against Arch – *Murphy, et al. v. Allied World Assurance Company, et al.*, Case No. 08-CIV-4196 (GEL) (S.D.N.Y.) – which Arch opposed on May 8, 2008;

WHEREAS, on June 9, 2008, prior to a ruling on the State Court Motion to Dismiss, Lipoff removed Arch's entire action to this Court pursuant to 28 U.S.C. § 1452;

WHEREAS, neither Arch nor the Specified Defendants intend to file a motion to remand the case pursuant to 28 U.S.C. § 1447(c).

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, who have been duly authorized by Arch and the Specified Defendants to enter into this Stipulation, as follows:

1. Arch and the Specified Defendants will not file a motion to remand this action to the New York State Supreme Court;
2. The Specified Defendants withdraw the State Court Motion to Dismiss;
3. The Specified Defendants' time to file an Answer to the FAC is extended to and including July 28, 2008; and
4. The Specified Defendants will not take any action before July 28, 2008 to seek payment of defense costs from Arch, whether by injunction or otherwise.

Date: June 21, 2008

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Attorneys for Joseph Murphy

Respectfully submitted, *

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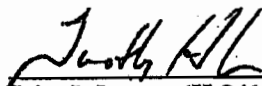
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SO ORDERED, this ____ day of _____, 2008

By: _____

Gerard E. Lynch
United States District Court Judge

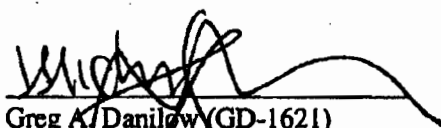
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